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Examiner: Monshipouri, M.

Applicant(s): KUPPUSAMY et al.

Attorney Docket No. 51321.003

Title: RECOMBINANT STREPTOKINASE

RESTRICTION RESPONSE

Mail Stop: Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To the Commissioner:

Responsive to the Restriction Requirement dated October 3, 2003, Applicants provisionally elect, with traverse, Group I, Claims 1-5 and 7-21.

REMARKS

The Restriction Requirement is traversed because restriction is only proper if the claims of the restricted groups are either independent or patentably distinct (MPEP 803). Moreover, the burden of proof is on the Office to provide reasons and/or examples to support any conclusion regarding patentable distinctness (MPEP 803). Although Applicants take no position with regard to the patentable distinctness of the claims, Applicants respectfully traverse the Restriction Requirement on the grounds that the Examiner has not carried the burden of providing any reasons and/or examples for concluding that the claims of the restricted groups are patentably distinct.

Specifically, in support of the present restriction requirement, the Office provides nothing more than a wholly conclusive statement that the inventions of Groups I and II are patentably distinct "because each method has different steps and different end-points." This statement, however, is insufficient to support the conclusion that the